

Serial No. 10/007,861

**REMARKS**

Claims 1, 26-35, 43-53 and 61-63 are currently pending for consideration. All stand rejected under 35 USC 103(a) as being unpatentable over Johansson et al ( US,447,604), optionally in view of Brekau et al (US 5,458,812), Vossos (US93,714,064), Chilton (US 3,560,400) and Mindick (US 3,502,593). Applicants respectfully traverse the rejection as further detailed below.

Applicants point out that all pending claims require certain **sequential steps** (for claims 1 and 43 and their dependent claims this is written as "sequential steps" and for claim 61 and it's dependent claims this arises as the result of the "obtained by" requirements) in a process for production of an aqueous silica sol containing silica-based particles. Applicants fail to see any teaching or suggestion in Johansson '604 to require such sequential execution of the steps of the current invention. Specifically, the Office Action at page 3, paragraph 5 asserts that "[t]he alkalizing step, particle growth and the alkalizing step of the obtained sol read on the same alkalizing step since the claim fails to define which "obtained sol" the alkalizing step (d) refers or how the alkalizing steps differ." Applicants respectfully disagree. The alkalizing steps differ at least in that particle growth must occur between the two steps in claim 1 and it's dependent claims, and heat treating must occur between the two steps in claim 43, claim 61 and their dependent claims. On this basis alone, Johansson '604 does not render the current claims obvious.

At page 4 (middle of the page), the Office Action begins to discuss how claims 26-28, 44-46 and 61-63 may differ from Johansson et al '414 (Applicants assume the that Johansson '604 was intended and respond on that basis), then states that the additionally cited references overcome these differences. Without admitting the propriety of combining the cited references, Applicants note that the

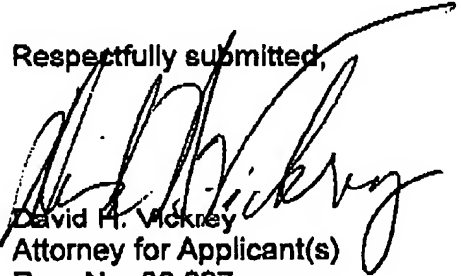
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Office Action does not cite any additional reference to cure the failure of Johansson '604 to require sequential steps. Again, on this basis alone, all claims under consideration in the current application are non-obvious in view of the cited references.

In paragraph 8, the Office Action responds to the Applicants previous communications and characterizes the processes claimed as a "mere pouring or pumping the alkalizing agent into the acid sol resulting first in a pH of at least 7 followed by a pH of at least 10.0" and further that "[s]tepwise addition of the known step of alkalizing is within the ordinary level of one having ordinary skill in the art..." The Applicants must respectfully disagree. Assuming *arguendo* that what is claimed is "stepwise addition" and that such is known in the art, the Applicants fail to see any teaching or suggestion in the cited references of the claimed particle growth or heating between the two alkalizing steps as claimed.

In view of the comments above, the Applicants respectfully request withdrawal of the rejections and allowance of the claims. The Examiner is invited to contact the undersigned if thought helpful in the progress the case.

Respectfully submitted,

  
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